

**MCGOVERN & AMODIO LLC**

ATTORNEYS AT LAW  
TWO WILLIAM STREET, SUITE 306  
WHITE PLAINS, NEW YORK 10601

---  
PHONE: (914) 289-1961  
FACSIMILE: (914) 289-1962

MICHAEL P. AMODIO

March 9, 2015

Via FedEx

Hon. Alan S. Trust  
US Bankruptcy Court  
290 Federal Plaza  
Central Islip, NY 11722

Re: In Re: Franklyn Khan Case No. 15-70784-ast

Dear Judge Trust:

I am a member of the firm of McGovern & Amodio, Esqs., the attorneys for the Secured Creditor, Kondaur Capital Corporation.

Today on March 9, 2015, I received the attached Order to Show Cause on the Debtor's motion to extend stay which is returnable on March 10<sup>th</sup>, 2015 at 9:30 AM by regular first class mail.

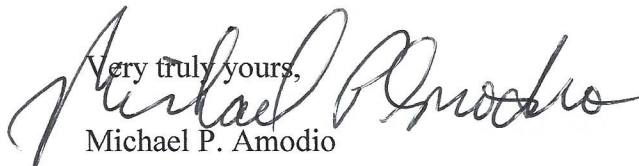
I note that the Debtor was supposed to serve the Order to Show Cause by the end of the business day on March 4<sup>th</sup>, 2015. I have enclosed a copy of the mailing envelope in which the Order to Show Cause was contained. As the Court can see, the envelope bears the post mark date of "06 Mar 2015." Clearly, the Debtor has not complied with the service requirements of the Order to Show Cause and on that basis, it should be denied.

Please note that this is the Debtor's third bankruptcy filing in the last year: Case 14-72238 Chapter 7 filed on 05/15/14 and discharged on 08/27/14; Case No. 14-74811 Chapter 13 filed on 10/24/14 and dismissed by the Court's Order dated 01/13/15; and, Case No. 15-70784 filed on February 27, 2015. Despite the multiple filing of the Debtor, the foreclosure sale scheduled for March 4<sup>th</sup>, 2015 at 1:30 PM was cancelled.

Finally, I am unable to appear before the Court on March 10<sup>th</sup>, 2015 as I am scheduled to appear before the Hon. Robert Drain in White Plains for a Loss Mitigation Hearing in the Case No. 14-23103 (Pablo Ortiz) at 10:00 AM and before the Hon. Cecelia Morris in Poughkeepsie on a motion for relief in the Case No. 10-36409 (Jeanine Marie) at 11:00 AM.

Accordingly, should the Court not deny the Order to Show Cause because of improper service, I respectfully request that it be adjourned to a date in April to allow me to respond and appear.

Thank you for your attention.

Very truly yours,  
  
Michael P. Amodio